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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/927,190

08/10/2001

Robert S. Gammenthaler JR.

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08/19/2005

ALCATEL USA  
INTELLECTUAL PROPERTY DEPARTMENT  
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PLANO, TX 75075

EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/927,190

Applicant(s)

GAMMENTHALER ET AL.

Examiner

Steven Blount

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 4,817,082 to Orsic.

With regard to claim 1, Orsic teaches three crossbars 107-11, 107-21, and 107-M1 (see figure 1) joined by busses wherein the said busses are joined at K ports. Orsic also teaches L other ports available to transfer data (see the ports near 103-2, for example) as well as additional ports to bring the total number of ports to M, wherein  $M > L > K$ .

With regard to claim 6, see figure 2.

With regard to claim 16, see the rejection of claim 1, above, and note col 3, lines 60+ (T line establishing a connection to the O-line).

3. Claims 1 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 6,880,046 to Yokoi et al.

Yokoi et al teach busses that connect 4 crossbar switches utilizing K ports at each of said switches. Yokoi et al also teach a total of M ports at the switch, and L ports 3, as shown in figure 5.

With regard to claim 16, see the rejection above and note that with regard to the requirement that the signals be sent to the L ports, the data in the cross bars must be sent to the members SB or else there would be no way for the cross bar members to input/output the data.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 – 5, 7, and 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 4,817,082 to Orsic.

With regard to claim 2, Orsic teaches the invention as described above, but does not explicitly teach  $M = 12$ ,  $L = 6$ , and  $K = 3$ . However, the examiner notes that these are all values whose choice would have been well within the ordinary skill in the art, and it would have been obvious, at the time of the invention to a person having such ordinary skill to use these values as opposed to some other, arbitrary values. With regard to claim 3, note that 2.88 Gbits/sec would be a typical bus speed; with regard to claim 4, 12 – ports is a typical number of ports for a crossbar; with regard to claim 5, see the discussion of the rejection of claim 3. With regard to claim 7, although token ring is discussed in Orsic, one of ordinary skill in the art would recognize that the system is applicable to other types of network systems, including Ethernet.

With regard to claim 17, see the rejection of claim 16, above, and note also the discussion of the rejection of claim 2.

With regard to claims 18 – 19, 2.88 gigabits/sec would be a typical speed for passing the signals, and its use would have been obvious to one of ordinary skill in the art at the time of the invention.

6. Claims 8 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicants Admitted Prior Art (AAPA) in view of U.S. patent 4,817,082 to Orsic.

AAPA, on pages 2 – 3 of the specification, discusses the need to increase the number of ports in Ethernet networks. See especially line 18 of page 2. AAPA does not, however, teach a solution to this problem to comprise providing a multiple port crossbar, as claimed in the second paragraph of claim 8. Orsic teaches providing a multiport crossbar system as described above. Further note that it would be obvious to use an Ethernet controller as the controller in members 101 (see figure 1) in view of this combination.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an Ethernet system with a multiport crossbar, in light of the teachings of Orsic, in order to provide an effective means for increasing the number of ports available to the users in the system.

The examiner notes that with respect to claim 10, there is shown in figure 1 a connection to user devices 12.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 - 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ajit Patel  
Primary Examiner

SB  
  
7/29/05